

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBBIE BENSLEY, *Individually and on
Behalf of all Others Similarly Situated,*

Plaintiffs,

O R D E R

-against-

10 CV 4572 (ERK)

FALCONSTOR SOFTWARE, INC., et al.,

Defendants.

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By letter dated December 16, 2011, lead plaintiff William Burns moves: 1) to substitute defendants ReiJane Huai and the Jon/Jane Doe Executor/Fiduciary with ShuWen Huai, the Executor/Fiduciary of the Estate of ReiJane Huai; 2) for leave to file an amended complaint; and 3) for a revised briefing schedule to provide defendants with enough time to respond to the amended complaint. (Pl.'s 12/16 Ltr.¹ at 1). Given that plaintiff's motions are unopposed, the Court hereby grants plaintiff's motion to substitute defendants ReiJane Huai and the Jon/Jane Doe Executor/Fiduciary with ShuWen Huai, the Executor/Fiduciary of the Estate of ReiJane Huai and authorizes plaintiff to file the proposed Consolidated Second Amended Complaint reflecting the substitution of the parties.

In addition, the Court revises the briefing schedule as follows:

- (1) Consolidated Second Amended Complaint due on or before December 23, 2011;
- (2) Defendants' answer or motion to dismiss due 30 days thereafter;

¹Citations to "Pl.'s 12/16 Ltr." refer to plaintiff William Burns' letter to the Court, dated December 16, 2011.

- (3) Plaintiffs' opposition to defendants' motion to dismiss due 45 days thereafter; and
- (4) Defendants' reply due 30 days thereafter.

The Clerk is directed to send copies of this Order to the parties either electronically through the Electronic Case Filing ("ECF") system or by mail.

SO ORDERED.

Dated: Brooklyn, New York
December 19, 2011

/S/ CHERYL POLLAK

Cheryl L. Pollak
United States Magistrate Judge